

# 1999 SUMMARY OF STATE AND FEDERAL LEGISLATION

*1999–2000 Regular Session  
California State Legislature*

*106<sup>th</sup> Congress  
United States Congress*

December 1999

# STATE OF CALIFORNIA

Gray Davis  
Governor

Winston H. Hickox  
Secretary, California Environmental Protection Agency

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# P R E F A C E

This legislative summary identifies solid waste management legislation introduced at the State and Federal level during 1999. State bills from the first year of the California Legislature's 1999-2000 Regular and Extraordinary Sessions can be located under subject categories (see Table of Contents) or by bill number, using the index at the end of the summary. Federal legislation introduced during the first year of the 106th Congress of the United States has its own category as well as an individual listing in the index.

The summary includes State bills that were enacted, as well as those that were vetoed, failed passage in the Legislature, or were "held in committee." The summaries of vetoed bills include excerpts from the Governor's veto messages. Urgency measures, which become effective immediately upon chaptering by the Secretary of State, are marked with an asterisk (\*). The effective date for urgency measures is noted at the end of the entry. All other enacted legislation takes effect on January 1, following the year the legislation was chaptered into law. (For example, bills chaptered in 1999 take effect on January 1, 2000.)

This summary covers the first half of the 1999-2000 Regular Session of the California Legislature. State bills that were not enacted into law or were vetoed must pass their house of origin by January 31, 2000 in order to continue through the legislative process in 2000.

Federal legislation also spans a two-year session. Federal bills are effective on the date of approval by the President (or passage over the President's veto), unless a bill expressly provides for a different effective date. Additionally, the United States Congress does not have a definite recess or adjournment date at the end of each calendar year, as the Californian State Legislature does. To publish this summary in a timely manner, this information went to print before the United States Congress adjourned for 1999.



# ABBREVIATIONS

AB	Assembly Bill
ACR	Assembly Concurrence Resolution
Act	Integrated Waste Management Act
APA	Administrative Procedures Act
AIIM	Association for Information and Image Management
AJR	Assembly Joint Resolution
ANSI	American National Standards Institute
ARB	Air Resources Board
Authority	California Pollution Control Financing Authority
BARCT	Best Available Retrofit Control Technology
BCRF	Beverage Container Recycling Fund
BOE	Board of Equalization
Cal/EPA	California Environmental Protection Agency
Cal/CAP	Capital Access Program
CAP	Capital Access Loan Program
CBCRLRA	California Beverage Container Recycling and Litter Reduction Act
CCC	California Conservation Corps
CDF	California Department of Forestry and Fire Protection
CDFA	California Department of Food and Agriculture
CEC	State Energy Resources, Conservation and Development Commission
CESQG	Conditionally Exempt Small Quantity Generator
CEQA	California Environmental Quality Act
CFC	Chlorofluorocarbons
CHP	California Highway Patrol
CIWMB	California Integrated Waste Management Board
CIWMP	Countywide Integrated Waste Management Plan
CORE	California Oil Recycling Enhancement Act
CUP	Conditional Use Permit
DBW	Department of Boating and Waterways
DFA	Department of Food and Agriculture
DFFP	Department of Forestry and Fire Protection
DFG	Department of Fish and Game
DGS	Department of General Services

DOC	Department of Conservation
DOF	Department of Finance
DOR	Division of Recycling
DFG	Department of Fish and Game
DHS	Department of Health Services
DPR	Department of Pesticide Regulation
DTSC	Department of Toxic Substances Control
EA	Enforcement Agency
EDD	Employment Development Department
EIR	Environmental Impact Report
FDA	Food and Drug Administration (Federal)
FTC	Federal Trade Commission
FY	Fiscal Year
GIGF	Geographic Information Grant Fund
GISP	Geographic Information Systems Panel
GRP	Governor's Reorganization Plan
HDPE	High-Density Polyethylene
HHW	Household Hazardous Waste
HHWE	Household Hazardous Waste Element
HR	House of Representatives Bill (Federal)
HWCA	Hazardous Waste Control Account
ISTEA	Intermodal Surface Transportation Efficiency Act of 1991 (Federal)
IWM	Integrated Waste Management
IWMA	Integrated Waste Management Account
IWMB	Integrated Waste Management Board
WMF	Integrated Waste Management Fund
IWMP	Integrated Waste Management Plan
JPA	Joint Powers Agreement
LEA	Local Enforcement Agency
LGTAC	Local Government Technical Advisory Committee
MEIR	Master Environmental Impact Report
MOU	Memorandum of Understanding
MRF	Material Recovery Facility
MSW	Municipal Solid Waste
NER	New Employee Registry
NDFE	Nondisposal Facility Element



OAL	Office of Administrative Law
OEHHA	Office of Environmental Health Hazard Assessment
OES	Office of Emergency Services
OIP	Office of Information Practices
OIT	Office of Information Technology
OPA	Office of Permit Assistance
OPR	Office of Planning and Research
PETE	Polyethylene Terephthalate
PUC	Public Utilities Commission
RCRA	Resource Conservation and Recovery Act of 1976 (Federal)
RMDZ	Recycling Market Development Zone
RPPC	Rigid Plastic Package Container
RPPCM	Recycled Plastic Postconsumer Material
RWQCBs	Regional Water Quality Control Boards
S	Senate Bill (Federal)
SB	Senate Bill (State)
SDE	State Department of Education
SRRE	Source Reduction and Recycling Element
STAR	State Assistance for Recycling Markets Act of 1989
SWDSCTF	Solid Waste Disposal Site Cleanup Trust Fund
SWDSCMA	Solid Waste Disposal Site Cleanup Maintenance Account
SWAT	Solid Waste Assessment Test
SWRCB	State Water Resources Control Board
SWF	Solid Waste Facility
SWFP	Solid Waste Facilities Permit
TCA	Trade and Commerce Agency
USEPA	United States Environmental Protection Agency
WMIA	Waste Management Incentive Account



# STATE LEGISLATION

## Agricultural Wastes

### **AB 1641 (Assembly Agriculture Committee)**

**Income and Bank and Corporation Taxes:  
Credit: Agricultural Prunings: Biomass  
Conversion**

**Sponsor: Assembly Agriculture Committee**

*Held under submission on the Assembly  
Appropriations Committee Suspense File.*

Would provide a credit in an amount equal to \$30 per ton for agricultural prunings, as defined, which are delivered without charge to a biomass conversion facility. This credit would not apply to commercial timber harvesting.

### **SB 1186 (Ortiz)**

**Rice Straw**

**Sponsor: Sacramento Lung Association**

*Chapter 640, Statutes of 1999.*

Requires the CDFA, in cooperation with the State Energy Resources Conservation and Development Commission, the IWMB and the ARB, to prepare and submit to the Legislature, on or before January 1, 2001, recommendations for ensuring consistency and predictability in the supply of rice straw for cost-effective uses, as specified. Additionally the measure provides that funds appropriated pursuant to the Budget Act of 1998 to the ARB for purposes of developing rice straw demonstration projects, which were not encumbered or otherwise expended during the 1998 Fiscal Year, shall be available for encumbrance by the ARB during the 1999-2000 Fiscal Year.

## California Environmental Protection Agency

### **AB 833 (Battin)**

**California Environmental Protection Agency  
Sponsor: Author**

*Failed passage before the Assembly Natural  
Resources Committee.*

Would have enacted the California Environmental Protection Agency Sunset Review and Regulatory Accountability Act of 1999. AB 833 would have repealed provisions establishing the agency and the Office of the Secretary for Environmental Protection effective June 30, 2001.

## California Environmental Quality Act (CEQA)

### **AB 1321 (Cardoza)**

**California Environmental Quality Act  
Sponsor: Author**

*Assembly Natural Resources Committee.*

Would shorten the time, from 30 days to 25 days, that a lead agency has to make a determination requiring an environmental impact report, a negative declaration, or a mitigated negative declaration on any project subject to CEQA. AB 1321 would allow that period to be extended 20 days (instead of the current 15 days) upon the consent of the lead agency and the project applicant.

### **SB 755 (Hayden)**

**California Environmental Quality Act  
(CEQA)**

**Sponsor: Author**

*Held under submission in the Assembly  
Appropriations Committee.*

Would update CEQA to make it more consistent with court decisions and strengthen the role CEQA, in particular the Environmental Impact Report (EIR), plays in decisions regarding projects that may have significant environmental effects. Among other things, SB 755 would: (1)

require a lead agency (State or local), when structuring deferred mitigation measures in an EIR that need to be taken to offset adverse environmental impacts of a project, to recognize the significance of these potential impacts, commit to mitigating every significant impact unless overriding considerations warrant otherwise, articulate performance criteria for each mitigation and make sure the mitigation measures have reasonably certain funding sources; (2) prohibit a lead agency from considering, as the sole factor in making a finding of overriding considerations, the potential revenue increase to the agency resulting from the project; and (3) allow the lead agency to refuse to approve a project if the applicant willfully misrepresents the facts in the project application or during the EIR process.

## Civil Penalties

### **AB 1672 (Assembly Judiciary Committee)**

**Civil Actions: Eminent Domain: Waste Management**

**Sponsor: IWMB was the sponsor of a portion of this measure.**

*Chapter 892, Statutes of 1999.*

Among other things, AB 1672 authorizes an attorney representing the IWMB, or a local enforcement agency (LEA), to convert certain administrative penalties into civil judgements in Superior Court without involving the Attorney General. This action streamlines the penalty collection process by eliminating an extra administrative step.

## Compost

### **AB 1450 (Calderon)**

**Air Quality: Composting**

**Sponsor: Kern County Air Pollution Control District and the Antelope Valley Air Pollution Control District**

*Referred to Interim Study by the Senate Environmental Quality Committee.*

Would authorize air districts to abate odors that create a nuisance emanating from composting facilities that compost, or are designed to

compost, biosolids or sewage sludge. Further, the bill would authorize air districts to require permits for persons who build, or intend to build any operation, which composts biosolids or sewage sludge.

## Department of Conservation/Bottle Bill

### **AB 1186 (Shelley)**

**Beverage Containers: Redemption Payments  
Sponsor: California Beer and Beverages Distributors**

*Senate Natural Resources and Wildlife Committee.*

Would extend the time for redemption payment and reporting by approximately two months on beverage container sales by beer and malt beverage distributors under the California Beverage Container and Recycling and Litter Reduction Act. Additionally the bill would extend by 60 days the time in which the DOC is required to report on the sale of beverage containers in California. Further, AB 1186 would prohibit the DOC, when adopting regulations to implement a payment schedule for other beverage distributors, from applying that payment schedule to beer and malt beverage distributors.

### **AB 1244 (Olberg)**

**Beverage Containers**

**Sponsor: Author**

*Chapter 817, Statutes of 1999.*

Proposes several revisions to the California Beverage Container Recycling and Litter Reduction Act, by making several technical clean-up changes to SB 332 (Sher/Burton). The Governor and the DOC, who administers the Act, requested these changes.

### **\*SB 1 (Sher)**

**Beverage Containers**

**Sponsor: Author**

*Chapter 1, Statutes of 1999*

Extends by one year, from January 1, 1999 to January 1, 2000, provisions of the California Beverage Container Recycling and Reduction Act relating to processor handling fees paid by

beverage manufacturers and the payment of handling fees to convenience zone recyclers and allocations for curbside programs. This measure took effect January 28, 1999.

### **SB 332 (Sher)**

#### **Beverage Containers**

**Sponsor: Author**

*Chapter 815, Statutes of 1999.*

Makes numerous revisions to the California Beverage Container Recycling and Litter Reduction Act. Among other things, the measure expands the definition of "beverage" to include carbonated and noncarbonated water, noncarbonated soft drinks and sport drinks, noncarbonated fruit drinks containing any percentage of fruit juice, coffee and tea drinks, and carbonated fruit drinks if those products are sold in plastic, glass, bi-metal or aluminum containers in liquid, ready-to-drink form and intended for human consumption. SB 332 specifically excludes milk, medical food, infant formula, and 100 percent fruit juice in containers of 46 ounces or more from this definition. Additionally, SB 332 requires the IWMB, in consultation with the DOC, not later than December 1, 2000, to prepare and submit to the Legislature a report identifying any duplication or overlap between the California Integrated Waste Management Act of 1989 and the California Beverage Container Recycling and Litter Reduction Act with respect to programs pertaining to public information and education, local government review and assistance, and recycled materials market development.

### **SB 1133 (Bowen)**

#### **Solid Waste: Beverage Containers: Programs**

**Sponsor: Author**

*Assembly Floor Third Reading File.*

Would require the IWMB and the DOC to prepare and submit a report, as specified, to the Legislature, no later than October 1, 2000, which would identify any duplication or overlap among programs administered and funded by the two agencies pertaining to public information and education, local government review and assistance, and recycled materials market development. Further, SB 1133 would become operative only if SB 332 (Sher) is enacted and becomes effective on or before January 1, 2000.

## **Energy**

### **AB 514 (Thomson)**

#### **Solid Waste: Biomass Conversion**

**Sponsor: Thermo-Tek**

*Chapter 439, Statutes of 1999.*

Revises the definition of biomass conversion to include the controlled combustion of nonrecyclable pulp or nonrecyclable paper materials and excludes the controlled combustion of recyclable pulp or recyclable paper materials. The definition of biomass conversion is used to determine whether a local jurisdiction can claim up to 10 percent of the 50 percent by the year 2000 diversion mandate from biomass conversion.

### **AB 603 (Cardoza)**

#### **Solid Waste Transformation: Diversion Requirements**

**Sponsor: Stanislaus County**

*Assembly Natural Resources Committee.*

Would exempt a transformation project located in Stanislaus County from meeting the IWMA requirements if the IWMB finds that the transformation project complies with the IWMB's operating conditions.

### **AB 1641 (Assembly Agriculture Committee)**

#### **Income and Bank and Corporation Taxes: Credit: Agricultural Prunings: Biomass Conversion**

**Sponsor: Assembly Agriculture Committee**

*Held under submission on the Assembly Appropriations Committee Suspense File.*

Would provide a credit in an amount equal to \$30 per ton of agricultural prunings, as defined, which are delivered without charge to a biomass conversion facility. This credit would not apply to commercial timber harvesting.

### **SB 1253 (Sher)**

#### **Climate Change**

**Sponsor: Union of Concerned Scientists**

*Vetoed by the Governor.*

Would have required the CEC, in consultation with the ARB, the Department of Forestry, the Department of Transportation, the SWRCB, and the IWMB, and other unspecified State agencies,

to undertake a variety of studies and activities focused on the reduction of greenhouse gas emissions.

In his veto message, the Governor stated that, "...This bill is unnecessary. The CEC has already developed and updated an inventory of the sources of greenhouse emissions within the State. It is unclear what new and different information would be revealed under this bill that has not been compiled or discovered thus far. In fact, California is already well below the national average for generating greenhouse gas on a per capita basis according to the CEC."

## **Enforcement, Permits**

### **AB 1102 (Jackson)**

#### **Environmental Protection**

**Sponsor: Author**

*Chapter 65, Statutes of 1999.*

Establishes within Cal/EPA a deputy secretary for law enforcement and counsel with the following responsibilities: (1) the development of a program to ensure consistent, effective, and coordinated compliance and enforcement actions to protect public health and the environment; (2) establishment of a cross-media enforcement unit with the Attorney General's office; and, (3) referral of violations of law or regulation within the jurisdiction of Cal/EPA to the Attorney General. Additionally, the measure establishes within Cal/EPA a deputy secretary for external affairs who shall provide public outreach, communication to individuals and communities impacted by permitted activities, and technical support to businesses subject to regulation by a board or department of Cal/EPA. Finally, the measure requires the Cal/EPA Secretary to establish permit assistance centers throughout the State and an on-line permit assistance center to provide businesses and other entities with assistance in complying with laws and regulations implemented by a board or department of Cal/EPA. Budget Trailer Bill.

### **SB 153 (Haynes)**

#### **Private Property Rights: Taking Impact Analysis**

**Sponsor: Unknown**

*Senate Judiciary Committee.*

Would enact the Property Owner Rights Act of 1999, which would require public agencies to minimize the number of agency actions that may significantly impair the use of private property. The bill would require every public agency to conduct a private property taking impact analysis, as prescribed, prior to taking any agency action that may significantly impair the use of private property, except as specified.

## **Facility Siting**

### **SB 89 (Escutia)**

#### **Environmental Quality: Minority and Low-Income Populations**

**Sponsor: Author**

*Held under submission on the Senate Appropriations Committee Suspense File.*

Would require that each State agency make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its policies, programs, and activities on California's minority and low-income communities. Specifically, this measure would require the Office of Planning and Research, on or before January 15, 2000, to convene a Working Group on Environmental Justice, comprised of the secretaries or their designee from each State agency. The Working Group would: (1) identify disproportionately high and adverse human health or environmental effects to minority or low-income populations; and (2) provide guidance to State agencies that implement, administer, and enforce environmental laws in California. Additionally, Section 3 specifies that Section 2 of the bill (creation of the Working Group on Environmental Justice) would become operative only if SB 115 (Solis) is enacted at the 1999-2000 Regular Session, becomes effective on or before January 1, 2000 and adds a prescribed provision to the Public Resources Code.

## **SB 115 (Solis)**

### **Environmental Justice**

**Sponsor: Author**

*Chapter 690, Statutes of 1999.*

Requires, by July 1, 2001, the OPR to recommend proposed changes in, and the Secretary of Resources to certify and adopt revisions to, the California Environmental Quality Act (CEQA) guidelines. On or before July 1, 2000, OPR, in consultation with other State agencies, is also required to review its available data bases and specified information to identify communities and populations affected by disproportionately high and environmental effects of projects. Additionally, SB 115 enacts the California Environmental Justice Act of 1999, which requires the OPR, on or before January 15, 2001, in consultation with State agencies, local agencies and affected communities, to develop a State interagency environmental justice strategy that addresses any disproportionately high and adverse human health or environmental effects of programs, policies, and activities on minority populations and low-income populations. Each State agency is required to make the achievement of environmental justice part of its mission by identifying and addressing disproportionately high and adverse human health or environmental effects of its programs, policies and activities on minority populations and low-income populations in California.

## **Fiscal (Budgets, Fees and Revenues)**

### **AB 135 (Ducheny)**

**1999-2000 Budget**

**Sponsor: Author**

*Senate Rules Committee.*

Would make appropriations for support of State government for the 1999-2000 Fiscal Year.

## **ACA 6 (Leach)**

### **State Budget: Two-Year Budget**

**Sponsor: Author**

*Double-referred to the Assembly Consumer Protection, Governmental Efficiency and Economic Development Committee and the Assembly Budget Committee.*

Would require, in each odd-numbered calendar year, commencing in 2001, that the Governor submit to the Legislature a budget for the 2-year period commencing July 1, and that the Budget Bill passed by the Legislature also encompass that 2-year period. This measure would make various conforming changes, including provision for the calculation of the State school-funding obligation on a 2-year basis.

### **\*SB 160 (Peace)**

**1999-2000 Budget**

**Sponsor: Author**

*Chapter 50, Statutes of 1999.*

Makes appropriations for support of State government for the 1999-2000 Fiscal Year. This measure took effect June 29, 1999.

### **SB 220 (Peace)**

**Appropriations: Reversions: Exemptions**

**Sponsor: Author**

*Assembly Consumer Protection, Economic Development and Governmental Organization Committee.*

Would require the Office of State Audits and Evaluations within the DOF to complete and submit to the Governor and the Legislature during the 1999-2000 Fiscal Year a study that evaluates the extent of the use, and impact, of cooperative work exemptions, and to determine the best way to address those exemptions on a statewide basis. (This is a reintroduction of SB 676 from the 1997-98 Legislative Session.)

### **SB 388 (Peace)**

**State Fiscal Analysis**

**Sponsor: Author**

*Senate Budget and Fiscal Review Committee.*

Would repeal existing law, as of January 1, 2000, which requires the Legislative Analyst, to the extent that any fiscal estimate of the annual State budget involves one or more proposed changes in State tax law having a designated

fiscal impact, to prepare the estimate, with certain exceptions, on the basis of assumptions that estimate the probable behavioral responses of taxpayers and others to the proposed changes, and to include in the fiscal estimate a statement identifying those assumptions.

## **Hazardous Waste**

### **AB 173 (Firebaugh)**

**School Facilities: Acquisition of Contaminated Property for Schoolsites**  
**Sponsor: Author**

*Assembly Environmental Safety and Toxic Materials Committee.*

Would permit supplementary funding for the evaluation of hazardous waste, solid waste, or hazardous substances on, in, or under a site to be acquired by a school district and the removal of hazardous waste or solid waste, the removal of hazardous substances, or remedial action in connection with hazardous substances on that site.

### **AB 241 (Cunneen)**

**Hazardous Waste Codes**  
**Sponsor: Waste Management**

*Chapter 401, Statutes of 1999.*

Deletes the requirement that the revised code identification system require hazardous wastes that are identified pursuant to the RCRA hazardous waste identification criteria, but that are not regulated under RCRA, to be identified by a RCRA code, and instead prohibits the revised code system from requiring non-RCRA hazardous wastes to be identified by a RCRA hazardous waste code. AB 241 also deletes obsolete provisions regarding the procedures for the revision of those regulations. Finally, AB 241 increases the transition time for compliance with the revised hazardous waste code system to three years.

### **AB 387 (Wildman)**

**School Facilities Construction: Site Contamination**  
**Sponsor: Author**

*Chapter 992, Statutes of 1999.*

Clarifies procedures and specifies responsibilities for approval of acquisition of

sites and construction of school facilities that may present a significant risk of exposure to hazardous materials, and delineates conditions under which State funds may be used for remediation efforts.

### **AB 992 (Wayne)**

**Solid Waste Disposal Sites: Cleanup**  
**Sponsor: IWMB**

*Chapter 496, Statutes of 1999*

The measure: (1) limits administrative expenditures for the Solid Waste Disposal and Codisposal Cleanup Program (AB 2136 Program) to not more than 5 percent of the amount annually appropriated in the Budget Act unless the Budget Act specifies a different amount; (2) removes the \$5 million annual expenditure cap on the Solid Waste Cleanup Trust Fund; and (3) provides increased AB 2136 Program flexibility, allowing the IWMB to award matching grants and make loans for the cleanup of eligible sites. With these changes, this measure increases the resources annually available to the AB 2136 Program and enhances the IWMB's ability to cleanup high priority and/or more costly sites.

### **\*SB 47 (Sher)**

**Hazardous Substance Account: Extension**  
**Sponsor: Author**

*Chapter 23, Statutes of 1999.*

Among other things, repeals the residual portions of the State Superfund law that were not sunsetted on January 1, 1999 and reenacts the law as it existed prior to that date. Additionally, SB 47 reenacts the Carpenter-Presley-Tanner Hazardous Substance Account Act. This measure took effect May 26, 1999.

### **SB 162 (Escutia)**

**School Facilities: Contamination**  
**Sponsor: Los Angeles Unified School District**  
*Chapter 1002, Statutes of 1999.*

Prohibits the governing board of a school district from approving the acquisition or construction of school sites unless specified environmental assessments are conducted.



## **SB 993 (Hayden)**

**Education: School Facilities: Contamination**  
**Sponsor: Author**

*Vetoed by the Governor.*

Would have: (1) required development of standards for the assessment and mitigation of schoolsites with toxic exposure and required the SDE to incorporate the standards into a schoolsite selection process, (2) required school districts to follow certain requirements as a condition of receiving State facilities funds, (3) required the DTSC to prescribe remedial action and be monitored by an advisory committee, to the extent the community wishes to form one, and (4) required the State Architect to revise current standards for the design of school buildings to best protect children.

In his veto message, the Governor stated that, "...I believe that California's school children should be safe from environmental harm. To this end, I have signed SB 162 and AB 387 by Senator Escutia and Assemblyman Wildman. These bills work together to create a comprehensive environmental assessment process for school construction. While the efforts of the author are laudable, the current hazardous waste cleanup standards adequately protect children. Also, the bill requires the revision of school design standards in a manner that is unclear and fails to provide adequate funding for this purpose."

## **Integrated Waste Management Planning**

**\*SB 46 (Sher)**

**Solid Waste Management**  
**Sponsor: Author**

*Vetoed by the Governor.*

Would have replaced one gubernatorial "public" appointee with a local government representative appointed by the Governor who has served as an elected member of a city council or a county board of supervisors, or as a city mayor, for at least one term within two years of his or her appointment to a first term on the IWMB. In addition, this measure would have authorized the IWMB to conduct a program for recycling used oil filters and appropriates \$150,000 annually, for this

purpose, from the California Used Oil Recycling Fund in the annual Budget Act to the IWMB, commencing with Fiscal Year 2000-2001. This measure would have made a number of clarifying and streamlining changes to existing planning and used oil statutes which are intended to assist local jurisdictions, businesses, and the IWMB in interpreting and implementing the solid waste management planning and used oil programs. One change would have allowed the IWMB to maintain a higher volume of oil subject to payment, not to exceed 500 gallons, if the IWMB had determined that it was more cost effective. Finally, SB 46 would have made numerous technical and conforming changes (correct inaccurate references, repeal obsolete code references, update incorrect code cross-references, and move existing statutory code sections) to the Integrated Waste Management Act (IWMA), the Solid Waste Disposal and Co-disposal Cleanup Program, and the California Oil Recycling Enhancement Act (CORE). The amendment to Public Resources Code Section 48650 was sponsored by the IWMB.

In his veto message, the Governor stated that, "...This bill would require that one of the two public members to the California Integrated Waste Management Board (CIWMB) has experience as an elected local official and would make various other technical and conforming changes to the Integrated Waste Management Act. I believe it is inappropriate to reduce the number of gubernatorial appointees on the CIWMB who represent the public from two to one. While I am supportive of local government representation on the CIWMB, I would ask that this issue and the membership structure of the CIWMB be addressed as part of the Structure and Funding Report being prepared by the Secretary of Environmental Protection."

## **SB 515 (Chesbro)**

**Waste Management**  
**Sponsor: Author**

*Chapter 600, Statutes of 1999.*

Exempts use, disposal or placement of inert waste at surface mine reclamation sites, as specified, from the current Integrated Waste Management Fee (\$1.34 per ton). The measure also deletes the requirement that the IWMB adopt regulations that define "rural area," and instead defines "rural area" in statute as those

cities and counties located in agricultural or mountainous areas of the State and located outside the DOF's Primary Metropolitan Statistical Areas. Finally, the measure revises the definition of "rural city," and allows a regional agency to be eligible for a reduction in planning requirements if all member jurisdictions are cities located in both a rural area and a rural county, and the unincorporated portion of a county.

## Medical Waste

### SB 262 (Wright)

#### Medical Waste: Pharmaceuticals

Sponsor: Author

#### *Senate Environmental Quality Committee.*

Would include, as a pharmaceutical, a drug listed pursuant to the Federal Controlled Substances Act under the State waste management program.

### SB 407 (Alpert)

#### Medical Waste: Disposal

Sponsor: Author

#### *Chapter 139, Statutes of 1999.*

Revises the conditions required for disposal of medical waste to a public sewage system, including an authorization to treat a medical waste that is a specified type of biohazardous waste by chemical disinfection if certain requirements are met.

## Miscellaneous

### AB 963 (Gallegos)

#### Automotive Products: Coolants and Antifreeze

Sponsor: Wynn's International, Inc.

#### *Chapter 494, Statutes of 1999.*

Adds a condition that must be met before the CDFA grants a variance from normal chloride specifications for recycled motor vehicle engine coolants, antifreeze, prediluted engine coolants and prediluted antifreeze. AB 963 also extends the sunset date for standards used by the CDFA for recycled engine coolants and antifreeze from January 1, 2000 to January 1, 2003.

### AB 1293 Mazzoni

#### Coastal Protection: Public Education Programs

Sponsor: California Coastal Commission

#### *Vetoed by the Governor.*

Would have authorized the DBW to establish a program to provide environmental education to the boating public with the objective of preventing and reducing boating related pollution. If the program had been established, the IWMB would have been among State and local agencies with which DBW would consult. Additionally, the bill would have included information on ways to reduce nonpoint source pollution within the California Coastal Commission's existing mandate to educate the public about coastal conservation. AB 1293 would have authorized the commission to carry out its education program, including outreach to particular groups, as specified, outside of the coastal zone. The bill would have required public education and outreach programs that the Commission initiated that are focused on nonpoint source pollution to be coordinated with the SWRCB and with other appropriate California regional water quality control boards.

In his veto message, the Governor stated that, "...I do not support expanding the Commission's authority beyond the coastal zone. Moreover, the Department of Boating and Waterways is the appropriate agency to carry out public education programs related to boating. In addition, programs relating to nonpoint source pollution should be carried out by the State Water Resources Control Board and the regional water quality control boards."

### SB 231 (Senate Local Government Committee)

#### Validations

Sponsor: Author

#### *Chapter 19, Statutes of 1999.*

Enacts the First Validating Act of 1999, which would validate the organization, boundaries, acts, proceedings, and bonds of the State and counties, cities, and specified districts, agencies, and entities. Garbage and refuse districts and garbage disposal districts are not included under this legislation.

## **SB 232 (Senate Local Government Committee)**

### **Validations**

**Sponsor: Author**

***Chapter 266, Statutes of 1999.***

Enacts the Second Validating Act of 1999, which validates the organization, boundaries, acts, proceedings, and bonds of the State and counties, cities, and specified districts, agencies, and entities. Garbage and refuse districts and garbage disposal districts are included under this legislation.

## **SB 233 (Senate Local Government Committee)**

### **Validations**

**Sponsor: Author**

***Chapter 267, Statutes of 1999.***

Enacts the Third Validating Act of 1999, which validates the organization, boundaries, acts, proceedings, and bonds of the State and counties, cities, and specified districts, agencies, and entities. Garbage and refuse districts and garbage disposal districts are included under this legislation.

## **Oil**

### **AB 998 (Wayne)**

**Oil: Used Oil Fee: Exemption**

**Sponsor: Author**

***Senate Floor Inactive File.***

Would allow the IWMB to maintain an exemption from a fee paid to the IWMB by oil manufacturers producing or transferring fewer than 500 gallons of lubricating oil into the State.

### **\*SB 46 (Sher)**

**Solid Waste Management**

**Sponsor: Author**

***Vetoed by the Governor.***

Would have replaced one gubernatorial "public" appointee with a local government representative appointed by the Governor who has served as an elected member of a city council or a county board of supervisors, or as a city mayor, for at least one term within two years of his or her appointment to a first term on

the IWMB. In addition, this measure would have authorized the IWMB to conduct a program for recycling used oil filters and appropriates \$150,000 annually, for this purpose, from the California Used Oil Recycling Fund in the annual Budget Act to the IWMB, commencing with Fiscal Year 2000-2001. This measure would have made a number of clarifying and streamlining changes to existing planning and used oil statutes which are intended to assist local jurisdictions, businesses, and the IWMB in interpreting and implementing the solid waste management planning and used oil programs. One change would have allowed the IWMB to maintain a higher volume of oil subject to payment, not to exceed 500 gallons, if the IWMB had determined that it was more cost effective. Finally, SB 46 would have made numerous technical and conforming changes (correct inaccurate references, repeal obsolete code references, update incorrect code cross-references, and move existing statutory code sections) to the Integrated Waste Management Act (IWMA), the Solid Waste Disposal and Co-disposal Cleanup Program, and the California Oil Recycling Enhancement Act (CORE). The amendment to Public Resources Code Section 48650 was sponsored by the IWMB.

In his veto message, the Governor stated that, "...This bill would require that one of the two public members to the California Integrated Waste Management Board (CIWMB) has experience as an elected local official and would make various other technical and conforming changes to the Integrated Waste Management Act. I believe it is inappropriate to reduce the number of gubernatorial appointees on the CIWMB who represent the public from two to one. While I am supportive of local government representation on the CIWMB, I would ask that this issue and the membership structure of the CIWMB be addressed as part of the Structure and Funding Report being prepared by the Secretary of Environmental Protection."

## Plastic

### **SB 1110 (Chesbro)**

#### **Rigid Plastic Packaging**

**Sponsor: Author**

*Assembly Consumer Protection, Governmental Efficiency and Economic Development Committee.*

Would delete the exemption for Rigid Plastic Packaging Containers (RPPCs) that contain food or cosmetics and require those containers to meet recycling rate criteria that is different from the recycling rate criteria used to set goals and determine compliance for non-food or non-cosmetics RPPCs. Hence, SB 1110 would result in two separate categories of RPPCs--those RPPCs that contain food or cosmetics and RPPCs that do not contain food or cosmetics.

### **SB 1210 (Baca)**

#### **Sales and Use Taxes: Exemption: Returnable and Nonreturnable Containers**

**Sponsor: CHEP USA**

*Chapter 758, Statutes of 1999.*

Adds a sales tax exemption for containers when sold or leased to persons who place food products for human consumption in the container for shipment, provided the food products will be sold, whether in the same container or not, and whether the food products are remanufactured or repackaged prior to sale. In addition, this measure states the Legislative intent that: (1) food containers be exempted from sales tax; (2) encourages the use of reusable food containers; (3) the environment is benefited through increased use of recyclable food containers thereby reducing waste; and (4) food containers are clearly treated the same as food for sales tax purposes. Finally, SB 1210 provides that, notwithstanding Revenue and Taxation Code Section 2230, no appropriation is made and the State shall not reimburse local agencies the reduced level of sales and use tax revenues which would result from this measure's enactment. SB 1210 takes effect immediately as a tax levy, but its operative date would depend on its effective date.

## Public Records

### **SB 48 (Sher)**

#### **Public Records: Disclosure**

**Sponsor: California Newspaper Publishers Association**

*Vetoed by the Governor.*

Would have required that: (1) written requests for inspection or copies of public records be addressed to the head of each public agency or his or her designee responsible to the agency head, (2) the agency's response to a written request for the inspection, or for copies of, public records that includes a determination that the request is denied, in whole or in part, shall be in writing, (3) the Attorney General issue a written opinion on an appeal within 20 days of receipt, as specified, (4) the Attorney General to publish the opinions annually and to make them available on the Internet, (5) the Attorney General would be allowed to charge a fee for the sale of the opinions volume to offset costs, (6) in cases where there may be a conflict of interest, an agency may employ outside counsel in defense of its action, and (7) the Superior Court award the plaintiff up to \$100 per day for each day, but not to exceed a total of \$10,000, that the agency fails to comply with an Attorney General opinion, as specified, and (8) a court would be allowed to impose the same penalty in the case of a petition made directly to the court. Additionally, the bill would have declared legislative intent that an opinion of the Attorney General shall be given no greater deference than any other opinion of the Attorney General. Finally, the bill would have become operative July 1, 2000.

In his veto message, the Governor stated that, "...SB 48 creates an Attorney General appeals process that will lead to inherent conflicts of interest between the Attorney General and his major clients, the State agencies and departments. Consequently, this bill could result in uneven legal representation and increased use of costly outside counsel by the agency or department. Finally, the costs to comply with this bill would be borne by the General Fund and would likely be significant. Therefore, I am vetoing this bill."

**SB 761 (Sher)****Environmental Quality****Sponsor: Author***Double-referred to the Assembly Natural Resources Committee and the Assembly Information Technology Committee.*

Would: (1) require the Office of Planning and Research (OPR) to establish and maintain a central repository for the collection, storage, retrieval, and dissemination of specified notices provided to OPR, and to make the notices available through the Internet; and (2) authorize OPR to coordinate with another State agency in order for that agency to make the notices available through the Internet.

**Reuse/Recycled  
Materials/Market  
Development****\*AB 18 (Villaraigosa and Keeley)****Bond: Parks, Water, and Coastal Protection Act****Sponsor: Author***Chapter 461, Statutes of 1999.*

Enacts the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000 (Villaraigosa-Keeley), which places a measure on the March 2000 ballot authorizing the sale of \$2,100,000,000 in general obligation bonds. These bonds will finance the acquisition, development, improvement, rehabilitation, restoration, enhancement, and protection of park, recreational, cultural, historical, fish and wildlife, lake, riparian, reservoir, river, and coastal resources, as specified. The measure expresses legislative intent that every State and local government agency who is a recipient of bond funds give full consideration to the use of recycled and reusable products whenever possible in carrying out the activities enumerated in the measure. This measure took effect September 22, 1999.

**AB 75 (Strom-Martin)****State Agency Recycling: Waste Diversion:  
Community Service Districts****Sponsor: Californians Against Waste***Chapter 764, Statutes of 1999.*

Requires each State agency or large State facility to develop an integrated waste management plan (IWMP) by July 1, 2000, in consultation with the IWMB, and divert at least 25 percent of its solid waste from landfills by January 1, 2002, and 50 percent by January 1, 2004. Additionally the measure requires each community service district that provides solid waste services to report disposal and diversion information to the city, county, or regional agency where the district operates.

**AB 1014 (Cardoza)****School Instructional Gardens****Sponsor: Author***Chapter 713, Statutes of 1999.*

Statutorily establishes an existing grant program - the Instructional School Gardens Program - administered by the SDE. The Program provides grants and technical assistance to K-12 schools and county offices of education to build school gardens.

**AB 1055 (Villaraigosa)****Playground Equipment and Facilities****Sponsor: Children Advocacy Unit***Chapter 712, Statutes of 1999.*

Enacts the Playground Safety and Recycling Act of 1999. The Act establishes, until July 1, 2003, the playground safety and recycling grant program administered by the IWMB. The purpose of the Act is to provide grants to local agencies, as specified, for the improvement or replacement of playgrounds. The measure creates the Playground and Recycling Account in the State Treasury for administration of funds and would authorize moneys in the account to be expended, upon appropriation by the Legislature, for the purposes of the program and for the administrative costs incurred by the IWMB in administering the program. Additionally, the measure provides as a condition for a local agency to be eligible for grant funds, that funds would be used for the improvement or replacement of playground equipment or facilities through the use of

recycled materials. AB 1055 authorizes the IWMB to adopt emergency regulations to implement the measure. Finally, the measure extends to January 1, 2003, the date before which entities, excluding public agencies, operating playgrounds open to the public are required to upgrade their playgrounds by replacement or improvement to satisfy the Department of Health Services (DHS) regulations (Health and Safety Code Section 115725). However, the measure provides that those playgrounds installed between January 1, 1994 and December 31, 1999 shall not be subject to the requirements to upgrade their facilities in compliance with this measure, until 15 years after those playgrounds were installed.

### **AB 1364 (Migden)**

#### **Recycling Market Development Loan Program**

**Sponsor: Unknown**

*Chapter 467, Statutes of 1999*

Reorganizes and recasts various provisions related to the IWMB Recycling Market Development Loan Program (RMDZ). In so doing, AB 1364 reauthorizes provisions that enable a local government to propose recycling market development zones and allows the IWMB to participate in the California Capital Access Program (CalCAP). Participation in CalCAP, however, would no longer be on a "pilot basis". Additionally, AB 1364 authorizes the IWMB to finance up to three-fourths of the cost of each project or not more than \$2 million, whichever is less, and extends the term for loans collateralized by real estate from 10 to not more than 15 years. Finally, this measure allows the IWMB to fund recycling-based businesses within a RMDZ, or in areas outside zones where specific partnerships exist with other public entities.

### **AB 1497 (Floyd and Oller)**

#### **Solid Waste: Purchase of Printer or Duplicator Cartridges**

**Sponsor: California Association of Cartridge Remanufacturers**

*Chapter 910, Statutes of 1999.*

Prohibits a State agency from purchasing any printer or duplication cartridge, as defined in the measure, for which the manufacturer, wholesaler, distributor, retailer, or

remanufacturer places restrictions, as specified, on the recycling or remanufacturing of that cartridge by any other person, except as specified.

### **\*SB 2 (Chesbro)**

#### **Parks and Resources Improvement: Bond Act**

**Sponsor: Author**

*Held in the Senate Natural Resources and Wildlife Committee.*

Would enact the Watershed, Wildlife, and Parks Improvement Bond Act of 2000 which, if adopted, would authorize, for the purpose of financing a program for the acquisition, development, improvement, rehabilitation, restoration, enhancement, and protection of park, recreational, cultural, historical, fish and wildlife, lake, riparian, reservoir, river, and coastal resources, as specified, the issuance of bonds in the amount of \$854,500,000. The bill would express legislative intent encouraging every State and local government agency who is a recipient of bond funds to give full and proper consideration to the use of recycled and reusable products whenever possible in carrying out the activities enumerated in the bill.

### **SB 74 (Murray and Hayden)**

#### **Murray-Hayden Urban Parks, Environmental Cleanup, and Youth Service Act**

**Sponsor: Authors**

*Held under submission on the Senate Appropriations Committee Suspense File.*

Would establish the Murray-Hayden Urban Parks, Environmental Cleanup, and Youth Service Act, which would provide funding for various projects and programs to develop parks, recreation, and youth service centers, and establish youth service projects, as specified. The bill would require all State agencies to cooperate in carrying out the provisions of the Act by providing advice and assistance to those departments that have primary responsibility for implementing a program or project under the Act. This version does not have any reference to the IWMB; however, this is subject to change.

**SB 827 (Sher)****Recycled Materials****Sponsor: Author*****Chapter 816, Statutes of 1999.***

Requires the use of recycled materials in pavement applications and road construction, “unless the Director of Transportation determines that the use of the materials is not cost effective.” The measure requires the consideration of specific factors in determining cost effectiveness and eliminates initial cost as one of those factors. In addition, SB 827 requires, rather than sets as a goal, that the DGS purchase at least 50 percent of its paper products as recycled paper products and deletes the requirement that other State agencies submit recycled paper product purchasing plans to the DGS. The measure mandates DGS to establish a 50 percent requirement, rather than a goal, for purchase by State agencies of various goods, materials, supplies and products by State agencies. The measure requires, rather than establishes a goal, for the Legislature to purchase at least 50 percent of its paper products as recycled paper products. Finally, SB 827 deletes the January 1, 2001 sunsets on provisions that: (1) mandate State agencies to require materials contractors to certify the minimum percentage of postconsumer and secondary materials in the items they provide; (2) encourage the Legislature to buy recycled products; and (3) require each State agency and the Legislature to buy at least 50 percent of the value of its paper products as recycled paper products.

**SB 1186 (Ortiz)****Rice Straw****Sponsor: Sacramento Lung Association*****Chapter 640, Statutes of 1999.***

Requires the CDFA, in cooperation with the State Energy Resources Conservation and Development Commission, the IWMB and the ARB, to prepare and submit to the Legislature, on or before January 1, 2001, recommendations for ensuring consistency and predictability in the supply of rice straw for cost-effective uses, as specified. Additionally the measure provides that funds appropriated pursuant to the Budget Act of 1998 to the ARB for purposes of developing rice straw demonstration projects, which were not encumbered or otherwise

expended during the 1998 Fiscal Year, shall be available for encumbrance by the ARB during the 1999-2000 Fiscal Year.

**Solid Waste  
Facilities/Landfills****AB 219 (Gallegos)****Surface Mining and Reclamation****Sponsor: City of Irwindale*****Assembly Natural Resources Committee.***

Among other things, AB 219 would change the definition of disposal by excluding from the definition of disposal any solid waste landfill site where surface mining operations occur, or occurred, as long as it is part of a reclamation plan.

**AB 603 (Cardoza)****Solid Waste Transformation: Diversion  
Requirements****Sponsor: Stanislaus County*****Assembly Natural Resources and Wildlife  
Committee.***

Would exempt a transformation project located in Stanislaus County from meeting the IWMA requirements if the IWMB finds that the transformation project complies with the IWMB’s operating conditions.

**AB 1481 (Granlund)****Solid Waste Landfills: Alternative Daily  
Cover: Diversion****Sponsor: Author*****Assembly Natural Resources Committee.***

Would eliminate the diversion credit for the use of alternative daily cover for solid waste landfills, which thereby would require cities and counties to divert additional solid waste in order to meet the diversion goal required by the Integrated Waste Management Act.

## State Agencies, Generally

### **AB 86 (McClintock)**

**State Government: Realignment or Closure**  
**Sponsor: Author**

*Failed passage before the Assembly Consumer Protection, Governmental Efficiency and Economic Development Committee.*

Would establish the Bureaucracy Realignment and Closure Commission, which would be required to submit a report to the Governor that would include a list of State bureaucracies that are proposed to be realigned or abolished.

### **AB 187 (Hertzberg)**

**Grant Information Act of 1999**  
**Sponsor: Author**

*Chapter 405, Statutes of 1999.*

Establishes the Grant Information Act of 1999 to authorize State agencies to make available on the Internet a listing of all grants administered by that agency, which would include specified information, and would provide instructions on filing grant applications electronically, or on the manner in which to download, complete, and mail grant applications to the State agency, or both. This measure authorizes each State agency to make available on the Internet any printed grant application form used by the agency to award grants that are administered by that agency. AB 187 will not be implemented until July 1, 2001, unless otherwise authorized by the Department of Information Technology pursuant to Executive Order D-3-99.

### **AB 486 (Wayne)**

**Administrative Law: Regulations and Advisory Interpretations**  
**Sponsor: California Law Revision Commission**

*Vetoed by the Governor.*

Would have made substantive changes to the Administrative Procedure Act relative to promulgation of State agency regulations. Among other things, the measure would have provided a procedure by which a State agency could have offered generally applicable interpretive advice, without adopting a regulation.

In his veto message, the Governor stated that, "...Although the provisions of this bill are optional, the concern is that the public will confuse an advisory interpretation, which is non-binding expression of the agency's interpretation of the law it enforces, with a legally binding regulation. The procedure prescribed for adopting an advisory interpretation is much the same as the procedure for adopting a regulation. An advisory interpretation would have no legal effect; would be entitled to no judicial deference; could not prescribe a penalty or course of conduct, confer a right, privilege, authority, exemption, or immunity, impose an obligation, or in any way bind or compel; and could not be used as an alternative means of adopting binding regulations. There is a potential that advisory interpretations could ultimately become underground regulations. Existing law already provides a process for declaratory decisions to be issued by a State agency that have the "same status and binding effect as any other decision issued by the agency in an adjudicative proceeding: (Gov. Code 11465.10 et seq.). State agencies have various other methods by which they may publicize their interpretation of the laws they enforce. Existing law already provides a shortened and efficient process for adopting non-controversial regulations. The provisions of AB 486 are duplicative of existing law and therefore, unnecessary."

### **AB 1692 (Assembly Consumer Protection, Governmental Efficiency and Economic Development Committee)**

**Administrative Adjudication: Decisions**  
**Sponsor: Assembly Consumer Protection, Governmental Efficiency and Economic Development Committee**

*Chapter 339, Statutes of 1999.*

Revises the procedural requirements relating to the disposition of contested administratively adjudicated cases.



### **SB 73 (Murray)**

#### **State Contracts: Participation Goals**

**Sponsor: Author**

*Vetoed by the Governor.*

Would have established participation programs to increase the amounts expended by awarding departments with respect to contracts with small business enterprises and 3 percent for disabled veteran business enterprises for the majority of professional bond services and State contracts. Further, this bill would have required State agencies to annually report, by January 1, to the Governor and Legislature on SBE and DVBE participation levels. SB 73 would have allowed local agencies to establish incentive programs to encourage SBE participation in the contracting process.

In his veto message, the Governor stated that, "...This bill would raise California's current small business participation goal from 25 to 30 percent...California's current goal of 25 percent is among the highest in the nation. Yet, when I became Governor in January, California was achieving only an 8.5 percent small business participation level. One of the most significant problems we have in achieving the 25 percent small business goal is the lack of small businesses willing to compete on State contracts. Another is that State agencies have not been aggressively striving to achieve the goal. Several laws become effective in January that should help address these problems. Additionally, I have directed the Department of General Services to draft proposed legislation for introduction next year that will streamline the contracting process so that small businesses can compete with greater ease. Small businesses are a vital component of California's economy. State government should strive to meet the goals we have already set for ourselves before setting new goals. I am determined to see that we meet our stated goals. When that occurs, we can discuss raising our expectations and setting higher goals."

### **SB 182 (Peace)**

#### **Public Contracts: Conflict of Interest**

**Sponsor: Author**

*Vetoed by the Governor.*

Would prohibit all individuals, companies, corporations, and other entities from bidding for

or receiving State electronic data processing and telecommunications contracts awarded by the State of California, for which they provided consulting services.

In his veto message, the Governor stated that, "...This bill will unduly restrict needed flexibility in procuring the State's computer hardware, software, and technical services by discouraging State and vendor interaction for information technology projects. Technology acquisition projects often require the State to share its risk in developing a project solution with the private sector in order to obtain the most cost effective solutions."

### **SB 280 (Bowen)**

#### **State Buildings and Publicly Funded Schools. Standards**

**Sponsor: Author**

*Senate Floor Inactive File.*

Would require all new public buildings and State office buildings to exceed current energy efficiency standards and to be constructed and/or renovated to utilize some form of cost-effective "green" building methods, as specified. Specifically, the bill would: (1) require, until July 1, 2002, all new public buildings, except publicly funded schools, for which design and construction begins after January 1, 2000, to exceed minimum building energy efficiency standards, as specified; (2) effective January 1, 2000, establish a three-year phased implementation schedule whereby construction of all new buildings will conform to specified energy efficiency standards; (3) specify what "cost-effective" means for purposes of the bill; (4) require the IWMB to promulgate regulations, as specified, born on or before October 1, 2001; and (5) expand the focus of energy efficiency in public buildings by revising existing legislative findings and intent language. Further, the bill would encourage the Regents of the University of California to comply with its provisions.

### **SB 300 (Poochigian)**

#### **Governmental Liability: Permits**

**Sponsor: Author**

*Failed passage before the Senate Judiciary Committee; reconsideration granted.*

Would provide that a State agency is liable to a private property owner for a temporary taking of

the owner's real property if the State agency is responsible for a delay in the issuance of a development permit affecting the use of the real property, and the delay is the result of a final decision, as defined, of the State agency that is later determined by a court to be legally erroneous. Additionally, SB 300 would provide that a delay that occurs as a result of the normal development approval process or as a result of litigation challenging a final decision by a State agency constitutes a temporary taking under those provisions if the final decision of the State agency is later determined by a court to be legally erroneous.

## **State Agencies, Procurement/Waste Management**

### **AB 75 (Strom-Martin)**

**State Agency Recycling: Waste Diversion:  
Community Service Districts**  
**Sponsor: Californians Against Waste**

*Chapter 764, Statutes of 1999.*

Requires each State agency or large State facility to develop an integrated waste management plan (IWMP) by July 1, 2000, in consultation with the IWMB, and divert at least 25 percent of its solid waste from landfills by January 1, 2002, and 50 percent by January 1, 2004. Additionally the measure requires each community service district that provides solid waste services to report disposal and diversion information to the city, county, or regional agency where the district operates.

### **AB 883 (Assembly Rules Committee)**

**State Property: Design Build**  
**Sponsor: Author**

*Chapter 625, Statutes of 1999.*

Requires DGS, if it proceeds to acquire the facilities within the Capitol Area Plan in Sacramento on a design-build basis, to provide the Legislature, beginning on July 1, 1999, and every three months thereafter, with a status report on the design-build approach and a final report when the facilities are completed.

### **AB 1497 (Floyd and Oller)**

**Solid Waste: Purchase of Printer or  
Duplicator Cartridges**

**Sponsor: California Association of Cartridge  
Remanufacturers**

*Chapter 910, Statutes of 1999.*

Prohibits a State agency from purchasing any printer or duplication cartridge, as defined in the measure, for which the manufacturer, wholesaler, distributor, retailer, or remanufacturer places restrictions, as specified, on the recycling or remanufacturing of that cartridge by any other person, except as specified.

### **AB 1696 (Assembly Consumer Protection, Governmental Efficiency and Economic Development Committee)**

**Public Contracts**

**Sponsor: Department of General Services**

*Vetoed by the Governor.*

Would have revised various provisions to delete references to repeal penalty provisions relating to State procurement of materials, supplies, equipment, and services, and the acquisition of electronic data processing and telecommunications goods and services.

In his veto message, the Governor stated that, "...I would like to thank the author for carrying this measure on behalf of the Department of General Services. Unfortunately, Senate Bill 401 and Senate Bill 966 unintentionally amended some of the same sections of the Government and Public Contract Codes as Assembly Bill 1696. This bill would chapter out some of the important provisions contained in Senate Bill 401 and Senate Bill 966. I encourage the author to re-introduce this measure next year."

### **SB 280 (Bowen)**

**State Buildings and Publicly Funded Schools.  
Standards**

**Sponsor: Author**

*Senate Floor Inactive File.*

Would require all new public buildings and State office buildings to exceed current energy efficiency standards and to be constructed and/or renovated to utilize some form of cost-effective

"green" building methods, as specified. Specifically, the bill would: (1) require, until July 1, 2002, all new public buildings, except publicly funded schools, for which design and construction begins after January 1, 2000, to exceed minimum building energy efficiency standards, as specified; (2) effective January 1, 2000, establish a three-year phased implementation schedule whereby construction of all new buildings will conform to specified energy efficiency standards; (3) specify what "cost-effective" means for purposes of the bill; (4) require the IWMB to promulgate regulations, as specified, born on or before October 1, 2001; and (5) expand the focus of energy efficiency in public buildings by revising existing legislative findings and intent language. Further, the bill would encourage the Regents of the University of California to comply with its provisions.

### **SB 676 (Sher)**

**Recycled Paper Products: State Purchasing**  
**Sponsor: Author**

*Assembly Appropriations Committee.*

Would require that at least 50 percent of the total dollar amount of all paper products purchased by each State agency contain recycled content. Additionally, the bill would delete the requirement that State agencies submit plans related to their recycled paper product purchasing and delete the provision that repealed these requirements as of January 1, 2001. Finally, SB 676 would delete the price preference pilot program. (The language in this measure was amended into SB 827 [Sher].)

## **Tires**

### **SB 827 (Sher)**

**Recycled Materials**  
**Sponsor: Author**

*Chapter 816, Statutes of 1999.*

Requires the use of recycled materials in pavement applications and road construction, "unless the Director of Transportation determines that the use of the materials is not cost effective." The measure requires the consideration of specific factors in determining cost effectiveness and eliminates initial cost as one of those factors. In addition, SB 827 requires, rather than sets as a goal, that the DGS

purchase at least 50 percent of its paper products as recycled paper products and deletes the requirement that other State agencies submit recycled paper product purchasing plans to the DGS. The measure mandates DGS to establish a 50 percent requirement, rather than a goal, for purchase by State agencies of various goods, materials, supplies and products by State agencies. The measure requires, rather than establishes a goal, for the Legislature to purchase at least 50 percent of its paper products as recycled paper products. Finally, SB 827 deletes the January 1, 2001 sunsets on provisions that: (1) mandate State agencies to require materials contractors to certify the minimum percentage of postconsumer and secondary materials in the items they provide; (2) encourage the Legislature to buy recycled products; and (3) require each State agency and the Legislature to buy at least 50 percent of the value of its paper products as recycled paper products.

### **SB 876 (Escutia)**

**Waste and Used Tires**  
**Sponsor: Author**

*Assembly Natural Resources Committee.*

Would change the amount and collection point of the tire fee. The fee would be increased to \$2.00 per tire, paid by the retail seller for each new tire purchased from a tire wholesaler. Further, SB 876 would revise the definitions of "waste tire," "used tire," "altered waste tire," "crumb rubber," "tire derived product," and "scrap tire." Additionally, the bill would make a continuous appropriation from the California Tire Recycling Management Fund, but would limit the purposes for which the money from this fund can be expended.

### **SB 1055 (Bowen)**

**Solid Waste: Tires**  
**Sponsor: Author**

*Chapter 292, Statutes of 1999.*

Allows the IWMB to obtain access to a site where tires are unlawfully housed when the situation presents a significant threat to public health or the environment. The measure additionally requires the IWMB, in conjunction with the annual State budget submitted to the Legislature, to submit to the appropriate policy and fiscal committees of the Legislature, a report

that describes the expenditures proposed to be made for that fiscal year by the IWMB for grants, loans, and contracts under the tire recycling program.

# FEDERAL LEGISLATION

## ENACTED BILLS

### **HR 1905 (Taylor, Charles, R-NC)**

**Appropriations for the Legislative Branch for Fiscal Year 2000, Provision (includes language on office waste recycling program)**

*Signed by the President on August 29, 1999; Public Law No. 106-57.*

Would make appropriations for the Legislative Branch for the fiscal year ending September 30, 2000, and for other purposes. The bill includes language for collection of recyclable materials under the Office Waste Recycling Program.

### **S 507 (Warner, R-VA)**

**Water Resources Development Act of 1999 (includes language on waste tires)**

*Signed by the President on August 17, 1999; Public Law No. 106-53.*

Provides for the conservation and development of water and related resources, to authorize the United States Army Corps of Engineers to construct various projects for improvements to rivers and harbors of the United States, and for other purposes. The measure contains language on the beneficial use of waste tire rubber, including crumb rubber, recycled from tires. Such beneficial use may include marine pilings, underwater framing, floating docks with built-in floatation, utility poles, and other uses associated with transportation and infrastructure projects receiving Federal funds. The Secretary, shall, when appropriate, encourage the use of waste tire rubber, including crumb rubber, in such federally funded projects. Additionally, contains language for \$25 million for the regional water conservation and recycling projects in Placer and El Dorado Counties and \$15 million for a recycled water project in San Ramon Valley.

## VETOED BILLS

### **HR 2488 (Archer-R-TX)**

**Financial Freedom Act of 1999**

*Vetoed by the President on September 23, 1999.*

Would have provided for reconciliation pursuant to Sections 105 and 211 of the concurrent resolution on the Budget for Fiscal Year 2000. The measure included language regarding the extension and modification of credit for producing electricity from certain renewable resources including, but not limited to, waste pallets, crates, and green waste.

## BILLS BY SUBJECT MATTER

### **Cleanup/Superfund**

#### **HR 1391 (Regula, R-OH)**

**Voluntary Environmental Cleanup Programs, Establishment**

*Joint referral to the House Committee on Transportation and Infrastructure, and the House Committee on Commerce.*

Would require the Administrator of the Environmental Protection Agency to establish a program under which States may be certified to carry out voluntary environmental cleanup programs and to amend the Comprehensive, Environmental Response, Compensation and Liability Act of 1980 regarding the liability of landowners and prospective purchasers.

#### **HR 1750 (Townes, D-NY)**

**Comprehensive Environmental Response, Compensation and Liability Act of 1980, Amendment**

*Public hearing held by the Finance and Hazardous Materials Subcommittee on August 4, 1999.*

Would assist local governments in assessing and remediating brownfield sites, to amend the Comprehensive Environmental Response, Compensation and Liability Act of 1980 to encourage State voluntary response programs for remediating such sites, and for other purposes.

**HR 1756 (Franks, Bob, R-NJ)**

**Brownfield Assessment, Cleanup, and Redevelopment, Provision**

*Joint referral to the House Committee on Ways and Means, the House Committee on Commerce and the House Committee on Small Business.*

Would provide for comprehensive brownfields assessment, cleanup, and redevelopment.

**HR 2580 (Greenwood, R-PA)**

**Land Recycling Act of 1999**

*Passed the House Committee on Commerce on October 13, 1999.*

Would encourage the creation, development, and enhancement of State response programs for contaminated sites, removing existing Federal barriers to the cleanup of brownfield sites, and cleaning up and returning contaminated sites to economically productive or other beneficial uses.

**HR 2718 (Oxley, R-OH)**

**Brownfields Remediation Waste Act of 1999**

*Referred to the House Committee on Commerce.*

Would amend the Solid Waste Disposal Act to provide for the management of remediation waste at brownfields and other remediation sites.

**HR 3064 (Istook, R-OK)**

**District of Columbia Appropriations Act for the Year 2000**

*S 1528 was incorporated into this measure on October 15, 1999.*

Would make appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2000, and for other purposes. S 1528, which provides for liability exemptions under Superfund for certain recycling transactions, was incorporated into this measure on October 15, 1999.

**S 1090 (Chafee, R-RI)**

**Superfund Program Completion Act of 1999**

*Public mark-up held and recessed by the Senate Committee on Environment and Public Works on May 27, 1999 and August 4, 1999; replaced by a different measure (S 1537) on August 5, 1999.*

Would reauthorize and amend the Comprehensive Environmental Response, Liability, and Compensation Act of 1980.

**S 1105 (Baucus, D-MT)**

**Superfund Litigation Reduction and Brownfield Cleanup Act of 1999**

*Referred to the Senate Committee on Environment and Public Works.*

Would assist local governments and States in assessing and remediating brownfield sites, increase fairness and reduce litigation, and for other purposes.

**S 1528 (Lott, R-MS)**

**Superfund Recycling Equity Act of 1999**

*Referred to the Senate Committee on Environment and Public Works; amended into HR 3064 on October 15, 1999.*

Would amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to clarify liability under that Act for certain recycling transactions. S 1528 would remove liability burdens for recycling of scrap paper, plastic, glass, textiles, rubber (other than whole tires) and metal, as well as spent lead-acid, nickel-cadmium and other spent batteries.

**S 1537 (Chafee, R-RI)**

**Superfund Amendments and Reauthorization Act of 1999.**

*Referred to the Senate Committee on Environment and Public Works; replaces another measure (S 1090).*

Would provide for reconciliation pursuant to Section 104 of the concurrent resolution on the budget for Fiscal Year 2000.

## **Educational Programs**

### **HR 1534 (Norton, D-DC)**

#### **Academic Excellence and Environmental Sciences Act**

*Referred to the House Committee on Education and the Workforce.*

Would amend Title VI of the Elementary and Secondary Education Act of 1965 to include programs that encourage academic rigor in scientific education in elementary schools.

## **Energy**

### **HR 341 (Andrews, D-NJ)**

#### **Environmental Priorities Act of 1999**

*Joint referral to the House Committee on Commerce and the House Committee on Transportation and Infrastructure.*

Would establish a Fund for Environmental Priorities to be funded by a portion of the consumer savings resulting from retail electricity choice, and for other purposes.

### **HR 1731 (Herger, R-CA)**

#### **Biomass Energy Equity Act of 1999**

*Referred to the House Committee on Ways and Means.*

Would amend the Internal Revenue Code of 1986 to provide that the credit for electricity produced from certain renewable resources shall apply to electricity produced from all biomass facilities and to extend the placed-in-service deadline for such credit. This measure replaces another measure (HR 4407) from the 105<sup>th</sup> Congress.

### **HR 2050 (Largent, R-OK)**

#### **Reliable Source of Electricity, Provision (includes language on energy produced from renewable resources, i.e. biomass energy)**

*Public hearing held by the House Committee on Resources Energy and Power Subcommittee on July 22, 1999.*

Would provide consumers with a reliable source of electricity and a choice of electric providers, and for other purposes. Includes language regarding a 5-year extension for credit for

producing electricity from renewable resources, including biomass energy.

### **HR 2380 (Matsui, D-CA)**

#### **Internal Revenue Code of 1986, Amendment (includes language on energy consumption and biomass energy)**

*Referred to the House Committee on Ways and Means.*

Would amend the Internal Revenue Code of 1986 to provide incentives to reduced energy consumption. The measure includes language regarding the use of biomass energy.

### **HR 2488 (Archer-R-TX)**

#### **Financial Freedom Act of 1999**

*Vetoed by the President on September 23, 1999.*

Would have provided for reconciliation pursuant to Sections 105 and 211 of the concurrent resolution on the budget for Fiscal Year 2000. The measure included language regarding the extension and modification of credit for producing electricity from certain renewable resources including, but not limited to, waste pallets, crates, and green waste.

### **HR 2569 (Pallone, D-NJ)**

#### **Benefits of the National Electric System, Enhancement**

*Referred to the House Committee on Commerce.*

Would enhance the benefits of the national electric system by encouraging and supporting State programs for renewable energy sources, universal electric service, affordable electric service, and energy conservation and efficiency, and for other purposes.

### **HR 2574 (Maloney, James, D-CT)**

#### **Internal Revenue Code of 1986, Amendment**

*Referred to the House Committee on Ways and Means.*

Would amend the Internal Revenue Code of 1986 to provide comprehensive tax relief for American families and businesses to encourage family stability, economic growth, and tax simplification. The measure includes language for tax credit for electricity produced from certain renewable resources including

unsegregated municipal solid waste and postconsumer wastepaper.

### **HR 2667 (Allen, D-ME)**

#### **Omnibus Mercury Emission Reduction Act of 1999**

*Referred to the House Committee on Commerce.*

Would amend the Clean Air Act to establish requirements concerning the operation of fossil fuel-fired electric utility steam generating units, commercial and industrial boiler units, solid waste incineration units, medical waste incinerators, hazardous waste combustors, chlor-alkali plants, and Portland cement plants to reduce emissions of mercury to the environment, and for other purposes.

### **S 673 (Leahy, D-VT)**

#### **Omnibus Mercury Emissions Reduction Act of 1999**

*Referred to the Senate Committee on Environment and Public Works.*

Would amend the Clean Air Act to establish requirements concerning the operation of fossil fuel-fired electric utility steam generating units, commercial and industrial boiler units, solid waste incineration units, medical waste incinerators, hazardous waste combustors, chlor-alkali plants, and Portland cement plants to reduce emissions of mercury to the environment, and for other purposes. This measure replaces another measure S 1915 from the 105<sup>th</sup> Congress.

### **S 984 (Collins, R-ME)**

#### **Biomass Energy Equity Act of 1999**

*Referred to the Senate Committee on Finance.*

Would amend the Internal Revenue Code of 1986 to modify the tax credit for electricity produced from certain renewable resources.

### **S 1160 (Grassley, R-IA)**

#### **Tax Relief for Working Americans Act of 1999**

*Referred to the Senate Committee on Finance.*

Would amend the Internal Revenue Code of 1986 to provide marriage penalty relief, incentives to encourage health coverage, and increased child care assistance, to extend certain

expiring tax provisions and for other purposes, including providing tax credit for electricity produced from renewable resources including landscape or right-of way tree trimmings and unsegregated municipal solid waste.

### **S 1273 (Bingaman, D-NM)**

#### **Federal Power Act Amendments of 1999**

*Public hearings held and adjourned by the Senate Committee on Energy and Natural Resources on June 29, 1999 and July 15, 1999.*

Would amend the Federal Power Act, to facilitate the transition to more competitive and efficient electric power markets, and for other purposes.

### **S 1351 (Grassley, R-IA)**

#### **Internal Revenue Code Amendment (includes language on renewable and biomass energy)**

*Referred to the Senate Committee on Finance.*

Would amend the Internal Revenue Code of 1986 to extend and modify the credit for electricity produced from renewable resources.

### **S 1369 (Jeffords, R-VT)**

#### **Clean Energy Act of 1999 (includes language on renewable and biomass energy)**

*Referred to the Senate Committee on Energy and Natural Resources.*

Would amend the Internal Revenue Code of 1986 to extend and modify the credit for electricity produced from renewable resources.

### **S 1429 (Roth, R-DE)**

#### **Taxpayer Refund Act of 1999 (includes language on energy from renewable resources)**

*Incorporated into HR 2488 and tabled on July 30, 1999.*

Would provide for reconciliation pursuant to Section 104 of the concurrent resolution on the budget for Fiscal Year 2000.



## Environment, Generally

### **S 481 (Schumer, D-NY)**

#### **Environmental Crimes Act**

*Referred to the Senate Committee on the Judiciary.*

Would increase penalties and strengthen enforcement of environmental crimes, and for other purposes.

## Environmental Justice

### **HR 1510 (Lewis, John, D-GA)**

#### **Environmental Justice Act**

*Joint referral to the House Committee on Transportation and Infrastructure, the House Committee on Agriculture, the House Committee on Resources and the House Committee on Commerce.*

Would promote environmental justice, public health, and pollution reduction efforts.

## Hazardous Waste

### **HR 286 (Sweeney, R-NY)**

#### **Hazardous Waste Recycling Tax Credit Act of 1999**

*Referred to the House Committee on Ways and Means.*

Would amend the Internal Revenue Code of 1986 to provide a refundable income tax credit for the recycling of hazardous wastes.

### **HR 968 (Shuster, R-PA)**

#### **Hazardous Material Transportation Safety Reauthorization Act of 1999**

*Referred to the House Committee on Transportation and Infrastructure.*

Would authorize appropriations for hazardous material transportation safety, and for other purposes.

### **HR 2407 (Rivers, D-MI)**

#### **Toxic Substances Control Act, Amendment**

*Referred to the House Committee on Commerce.*

Would amend the Toxic Substances Control Act to establish certain requirements regarding the approval of facilities for the disposal of polychlorinated biphenyls (PCB), and for other purposes.

## Highways/Airports

### **HR 778 (Andrews, D-NJ)**

#### **Use of Recycled Materials in Federal-Aid Highway Projects, Authorization**

*Referred to the House Committee on Transportation and Infrastructure.*

Would authorize the Secretary of Transportation to require the use of recycled materials in the construction of Federal-aid highway projects.

### **HR 779 (Andrews, D-NJ)**

#### **Allocation of Surface Transportation Funds for Purchase of Recycled Materials, Requirement**

*Referred to the House Committee on Transportation and Infrastructure.*

Would require the allocation of certain surface transportation program funds for the purchase of recycled materials.

### **HR 1000 (Shuster, R-PA)**

#### **Aviation Investment and Reform Act for the 21<sup>st</sup> Century; National Parks Air Tour Management Act of 1999; Truth in Budget Act (recycled pavement, etc., for airport runways, taxiways, aprons, etc.)**

*Incorporated into S 1467 on August 5, 1999.*

Would amend Title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes. The measure includes language regarding the study of the use of recycled materials (including recycled pavements, waste materials, and byproducts) in pavement used for runways, taxiways, and aprons and the specification standards in tests necessary for the use of recycled materials in such pavement.

**HR 1060 (Minge, D-MN)**

**Internal Revenue Code of 1986, Amendment (includes language on solid waste disposal facilities)**

*Referred to the House Committee on Ways and Means.*

Would amend the Internal Revenue Code of 1986 to provide that economic subsidies provided by a State or local government for a particular business (would include solid waste disposal facilities) to locate or remain within the government's jurisdiction shall be taxable to such business, and for other purposes.

**S 1174 (Reid, Harry, D-NV)**

**Transportation, Title 49, U.S.C., Amendment (includes language on recycled pavement)**

*Referred to the Senate Committee on Commerce, Science, and Transportation.*

Would amend Title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes. Language is included, which would require a study on the use of recycled materials (including recycled pavements, waste materials, and byproducts, in pavement used for runways, taxiways, and aprons and the specification standards in tests necessary for the use of recycled materials in such pavement. The primary focus of the study shall be on the long term physical performance, safety implications, and environmental benefits of using recycled materials in aviation pavement.

**Miscellaneous****HR 2029 (Radanovich R-CA)**

**National Environmental Policy Act of 1969, Amendment (includes language on environmental impact statements)**

*Referred to the House Committee on Resources.*

Would amend the National Environmental Policy Act of 1969 to require that Federal agencies consult with State agencies and county and local governments on environmental impact statements.

**HR 2252 (Camp, R-MI)**

**Internal Revenue Code of 1986, Amendment (electric vehicles and alternative fuel)**

*Referred to the House Committee on Ways and Means.*

Would amend the Internal Revenue Code of 1986 to provide increased tax incentives for the purchase of alternative fuel and electric vehicles, and for other purposes.

**S 1003 (Rockefeller, D-WV)**

**Alternative Fuels Promotions Act**

*Referred to the Senate Committee on Finance.*

Would amend the Internal Revenue Code of 1986 to provide increased tax incentives for the purchase of alternative fuel and electric vehicles, and for other purposes.

**S 1112 (Boxer, D-CA)**

**Childrens Environmental Protection Act**

*Referred to the Senate Committee on Environment and Public Works.*

Would protect children and other vulnerable subpopulations from exposure to environmental pollutants, to protect children from exposure to pesticides in schools, and to provide parents with information concerning toxic chemicals that pose risks to children, and for other purposes. This measure replaces another measure (S 399) from the 105<sup>th</sup> Congress.

**Nuclear Waste****HR 45 (Upton, R-MI)**

**Nuclear Waste Policy Act of 1982**

*Discharged from the House Committee on Budget and the House Committee on Resources on June 6, 1999.*

Would amend the Nuclear Waste Policy Act if 1982 regarding, among other things, the transportation of nuclear waste, and the construction and operation of facilities.

**S 608 (Murkowski, R-AK)****Nuclear Waste Policy Act of 1999**

*Replaced by S 1287 on June 24, 1999.*

Would amend the Nuclear Waste Policy Act of 1982. Includes language on transportation and disposal of nuclear waste.

**S 1287 (Murkowski, R-AK)****Storage of Spent Nuclear Fuel Pending Completion of the Nuclear Waste Repository, Provision**

*Report filed by the Senate Committee on Energy and Natural Resources (Rept. 106-98) and placed on the Senate Legislative Calendar on June 24, 1999. This measure replaces another measure (S 608).*

Would provide for the storage of spent nuclear fuel pending completion of the nuclear waste repository and for other purposes.

## Recycling Programs

**HR 1905 (Taylor, Charles, R-NC)****Appropriations for the Legislative Branch for Fiscal Year 2000, Provision (includes language on office waste recycling program)**

*Signed by the President on August 29, 1999; Public Law No. 106-57.*

Would make appropriations for the Legislative Branch for the fiscal year ending September 30, 2000, and for other purposes. The bill includes language for collection of recyclable materials under the Office Waste Recycling Program.

**HR 2676 (Rivers, D-MI)****Solid Waste Disposal Act, Amendment (beverage containers). Also known as the National Beverage Container Reuse and Recycling Act of 1999**

*Referred to the House Committee on Commerce.*

Would amend the Solid Waste Disposal Act to require a refund value for certain beverage containers, to provide resources for State Pollution prevention and recycling programs, and for other purposes.

**H RES. 146 (Farr, D-CA)****Resolution Providing for the Mandatory Implementation of the Office Waste Recycling Program**

*Referred to the House Committee on House Administration.*

Would provide for mandatory implementation of the Office Waste Recycling Program in the House of Representatives.

**S 859 (Jeffords, R-VT)****National Beverage Container Reuse and Recycling Act of 1999**

*Referred to the Senate Committee on Environment and Public Works.*

Would amend the Solid Waste Disposal Act to require a refund value for certain beverage containers, to provide resources for State pollution prevention and recycling programs, and for other purposes. This measure replaces another measure (S 214) from the 105<sup>th</sup> Congress.

**S 1206 (Bennett, R-UT)****Appropriations for the Legislative Branch for Fiscal Year 2000, Provision**

*Incorporated into HR 1905 on June 16, 1999.*

Would make appropriations for the Legislative Branch for the fiscal year ending September 30, 2000, and for other purposes. The bill includes language for collection of recyclable materials under the Office Waste Recycling Program.

## Salvage Vehicles

**S 655 (Lott, R-MS)****National Salvage Motor Vehicle Consumer Protection Act of 1999**

*Report filed by the Senate Committee on Commerce, Science, and Transportation (S Rept. 106-123) on July 28, 1999.*

Would establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles.

**S 678 (Feinstein, D-CA)****Salvaged and Damaged Motor Vehicle Information Disclosure Act**

*Referred to the Senate Committee on Commerce, Science, and Transportation.*

Would establish certain safeguards for the protection of purchasers in the sale of motor vehicles that are salvage or have been damaged, to require certain safeguards concerning the handling of salvage and nonrebuildable vehicles, to support the flow of important vehicle information to the National Motor Vehicle Title Information System, and for other purposes.

## **Solid Waste Facilities**

**HR 1060 (Minge, D-MN)****Internal Revenue Code of 1986, Amendment (includes language on solid waste disposal facilities)**

*Referred to the House Committee on Ways and Means.*

Would amend the Internal Revenue Code of 1986 to provide that economic subsidies provided by a State or local government for a particular business (would include solid waste disposal facilities) to locate or remain within the government's jurisdiction shall be taxable to such business, and for other purposes.

**HR 1270 (Minge, D-MN)****Taxpayer Relief Through Municipal Waste Control Act of 1999**

*Referred to the House Committee on Commerce.*

Would authorize States and political subdivisions of States to control the management of municipal solid waste generated within their jurisdictions, and to exempt States and political subdivisions of States from civil liability with respect to the good faith passage, implementation, and enforcement of flow control ordinances.

**HR 2777 (Metcalf, R-WA)****Funds for Capitol Projects of State and Local Governments, Provisions (solid waste facilities)**

*Referred to the House Transportation and Infrastructure.*

Would fund capital projects of State and local governments, and for other purposes. The bill would include funding for infrastructure facilities, including solid waste disposal facilities.

**S 1184 (Domenici, R-NM)****National Forest System Community Purposes Act**

*Public hearing held and adjourned by the Forest and Public Land Management Subcommittee on July 21, 1999.*

Would authorize the Secretary of Agriculture to dispose of land for recreation and other public purposes, including the conveyance of a parcel for the purpose of solid waste disposal.

## **Solid Waste, Generally**

**HR 1300 (Boehlert, R-NY)****Recycle America's Land Act of 1999**

*Reported to the House from Committee on Transportation and Infrastructure (H. Rept. 106-353) on September 30, 1999.*

Would amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to promote brownfields redevelopment, to reauthorize and reform the Superfund program and for other purposes. Includes language on the liability exemption for municipal solid waste and sewage sludge and includes language regarding the liability clarification for the recycling of recycled materials or the transportation of such materials including used oil.

## **Solid Waste Importation/Exportation**

### **HR 378 (Gillmor, R-OH)**

#### **Allowance of Prohibition on Out-of-State Solid Waste, Permission**

*Public hearing held and adjourned by the  
Senate Committee on Environment and Public  
Works on June 17, 1999.*

Would permit States to restrict out-of-State waste.

### **HR 379 (Gillmor, R-OH)**

#### **Allowance of Prohibition on Imported Solid Waste, Permission**

*Public hearing held and adjourned by the  
Senate Committee on Environment and Public  
Works on June 17, 1999.*

Would permit States to prohibit the disposal of solid waste imported from other nations.

### **HR 891 (Kanjorski, D-PA)**

#### **Interstate Importation of Solid Waste, Prohibition**

*Public hearing held and adjourned by the  
Senate Committee on Environment and Public  
Works on June 17, 1999.*

Would authorize certain States to prohibit the importation of solid waste from other States, and for other purposes.

### **HR 1190 (Greenwood, R-PA)**

#### **Certain Limitation on the Receipt of Out-of- State Municipal Solid Waste, Provision**

*Public hearing held and adjourned by the  
Senate Committee on Environment and Public  
Works on June 17, 1999.*

Would impose certain limitations on the receipt of out-of-State municipal solid waste, to authorized State and local controls over the flow of municipal solid waste, and for other purposes.

### **S 533 (Robb, D-VA)**

**Solid Waste Disposal Act, Amendment.** Also known as the Interstate Transportation of Municipal Solid Waste Control Act of 1999 or the Interstate Transportation of Municipal Solid Waste Control Act of 1999.

*Public hearing held and adjourned by the  
Senate Committee on Environment and Public  
Works on June 17, 1999.*

Would amend the Solid Waste Disposal Act to authorize local governments and Governors to restrict receipt of out-of-State municipal solid waste, and for other purposes.

### **S 663 (Spector, R-PA)**

#### **Limitations on the Receipt of Certain Out-of- State Solid Waste, Provision**

*Public mark-up held and ordered reported by  
Senate Committee on Environment and Public  
Works on June 17, 1999.*

Would impose certain limitations on the receipt of out-of-State municipal solid waste, to authorize State and local control over the flow of municipal solid waste, and for other purposes.

### **S 872 (Voinovich, R-OH)**

#### **Municipal Solid Waste Interstate Transportation and Local Authority Act**

*S 1206 incorporated into this measure on June  
16, 1999; passed the Senate and returned to the  
House.*

Would impose certain limits on the receipt of out-of-State municipal solid waste, to authorize State and local controls over the flow of municipal solid waste, and for other purposes.

## **Used Oil**

### **HR 1116 (Moran, Jerry, R-KS)**

#### **Internal Revenue Code of 1986, Amendment (includes language on used oil)**

*Referred to the House Committee on Ways and  
Means.*

Would amend the Internal Revenue Code of 1986 to establish a graduated response to shrinking domestic oil and gas production and surging foreign oil imports, and for other purposes. Includes language regarding the recovery of used oil.

**S 595 (Domenici, R-NM)**

**Domestic Oil and Gas Crisis Tax Relief and Foreign Oil Reliance Reversal Act of 1999**  
(includes language regarding used oil)

*Referred to the Senate Committee on Finance.*

Would amend the Internal Revenue Code of 1986 to establish a graduated response to shrinking domestic oil and gas production and surging foreign oil imports, and for other purposes. The bill includes language regarding used oil.

## **Waste Tires**

**HR 1480 (Shuster, R-PA)**

**Water Resources Development Act of 1999**  
(includes language on waste tires)

*Incorporated into S 507 on July 22, 1999.*

Would provide for the conservation and development of water and related resources, to authorize the United States Army Corps of Engineers to construct various projects for improvements to rivers and harbors of the United States, and for other purposes. Among other things, the bill would provide for pilot projects to encourage the beneficial use of waste tire rubber, including crumb rubber, recycled from tires. Such beneficial uses may include marine pilings, underwater framing, floating docks with built-in flotation, utility poles, and other uses associated with the transportation and infrastructure projects, which receive Federal funding.

**S 507 (Warner, R-VA)**

**Water Resources Development Act of 1999**  
(includes language on waste tires)

*Signed by the President on August 17, 1999;  
Public Law No. 106-53.*

Provides for the conservation and development of water and related resources, to authorize the United States Army Corps of Engineers to construct various projects for improvements to rivers and harbors of the United States, and for other purposes. The measure contains language on the beneficial use of waste tire rubber, including crumb rubber, recycled from tires. Such beneficial use may include marine pilings, underwater framing, floating docks with built-in flotation, utility poles, and other uses associated with transportation and infrastructure projects receiving Federal funds. The Secretary, shall, when appropriate, encourage the use of waste tire rubber, including crumb rubber, in such federally funded projects. Additionally, contains language for \$25 million for the regional water conservation and recycling projects in Placer and El Dorado Counties and \$15 million for a recycled water project in San Ramon Valley.

**S 1467 (McCain, R-AZ)**

**Funding Levels for Aviation Programs, Extension** (includes language on waste tires)

*Public hearing held by House Committee on Rules on August 4, 1999; another measure incorporated into this measure (H.R. 1000) on August 5, 1999.*

Would provide for reconciliation pursuant to Section 104 of the concurrent resolution on the budget for fiscal year 2000.

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